



24 AUG 2004

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In re Application of COMBELLES et al :
U.S. Application No.: 09/446,958 :
PCT Application No.: PCT/FR98/01398 :
Int. Filing Date: 30 June 1998 : DECISION
Priority Date Claimed: 01 July 1997 :
Attorney Docket No.: 09320.0092USWO :
For: MULTICARRIER MODULATION USING :
WEIGHTED PROTOTYPE FUNCTIONS :

This is in response to applicant's "Request for Reconsideration of Petition Decision" filed 05 May 2004.

BACKGROUND

On 30 June 1998, applicant filed international application PCT/FR98/01398, which claimed priority of an earlier France application filed 01 July 1997. A copy of the international application was communicated to the USPTO from the International Bureau on 14 January 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 08 January 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 01 January 2000.

On 29 December 1999, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 March 2000, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 August 2000, applicant filed a declaration executed by two of the three joint inventors.

On 28 August 2000, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 19 August 2002, applicant filed a petition under 37 CFR 1.47(a).

On 12 November 2002, applicant filed a declaration executed by all of the inventors.

On 03 March 2004, this Office mailed a decision dismissing the 19 August 2002 petition and vacating the Notification of Acceptance of Application mailed 28 August 2000.

On 05 May 2004, applicant filed the present request for reconsideration.

DISCUSSION

The declaration filed 12 November 2002 has been located and placed in the application file.

CONCLUSION

The decision mailed 03 March 2004 is hereby VACATED.

The petition under 37 CFR 1.47(a) filed 19 August 2002 is DISMISSED AS MOOT.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 28 August 2000 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 June 1998 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 November 2002.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision including preparation and mailing of a new Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and returning the application to the examining group thereafter.



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